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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/736,440
Filing Date: December 15, 2003
Appellant(s): TISCHER, STEVEN

David A. Fox
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03 March appealing from the Office action mailed 23 June 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 2, 6, 7, 9, 14, and 15.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2003/0061048	Wu et al	3-2003
6,976,082	Ostermann et al	12-2005
2001/0047260	Walker et al	10-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 6, 7, 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al (US PGPub 2003/0061048) in view of Ostermann et al (USPN 6,976,082) and in further view of Walker et al (US PGPub 2001/0047260).

Claim 1:

Wu discloses a system for generating a collection of speech generation commands associated with computer readable information (Abstract), comprising:

a first computer (network server) configured to generate a first collection of speech generation commands (coded speech parameters) based on a first portion of computer readable information (text) (see [0019]);

the first computer in communication with a communication network and a phone operatively communicating with the communication network, wherein signals generated by the first computer are transmitted through the communication network to the phone ("transmitting the coded speech parameters from a network server to a wireless communication device", [0019]).

Wu further discloses either the phone receiving the first collection of speech generation commands and accessing a predetermined set of the speech samples in the voice file based on the first collection of speech generation commands to generate auditory speech ("the native coded speech parameters, corresponding to each of the phonics from the previous step and along with suitable spaces, are subsequently processed in a signal processor 208 (such as a DSP for example) to provide a decompressed speech signal to an audio circuit 210 of the cellular phone handset", [0018]) or the phone receiving signals corresponding to auditory speech and generating auditory speech from the received signals ("Alternatively, a network server of the communication system can converts this formatted text string to speech and transmit this speech to a conventional cellular handset over a voice channel instead of a data channel", [0011]). In other words, Wu discloses, either receiving textual information in the form of coded speech parameters and performing a text-to-speech process at the

phone or, performing the text-to-speech (TTS) process at a server and transmitting speech to the phone.

However, Wu does not explicitly disclose determining whether the phone includes a voice file (i.e. is able to perform text-to-speech which require voice files for concatenation based TTS) and conducting the text-to-speech, either at the phone if a voice file is present at the phone or, at the server if a voice file is not present on the phone.

In a similar network based text-to-speech system, Ostermann discloses checking if a phone (col. 6, lines 5-11) has speech synthesis software (which require voice files for concatenation based TTS) and performing the TTS at the phone if the phone has TTS capabilities or performing the TTS at a server and transmitting synthesized speech to the device from the server if the device does not have speech synthesis software (col. 11, lines 15-26).

It would have been obvious to one with ordinary skill in the art at the time of the invention to check Wu's phone for TTS capabilities (voice files in concatenation based TTS) and performing TTS on the phone, if the phone has voice files, or performing the TTS on a server and transmitting synthesized speech, if the phone does not have TTS capabilities, because a phone cannot perform TTS if it does not have TTS capabilities (voice files in concatenation based TTS).

Further, Wu and Ostermann do not explicitly disclose where the first computer receives a text to speech request signal from a phone through an email computer server via a communications network and generating speech command based on the request.

In a similar network based text-to-speech system, Walker discloses a computer receiving a text to speech request (Fig. 1, item 22a and related text) through an email computer server (Fig. 1, item 16, and related text. Note that this server receives and send electronic text messages, i.e. it's an email computer server) and generating speech from text in response to the request ("speech" output from item 20, Fig. 1 and related text).

It would have been obvious to one with ordinary skill in the art at the time of the invention to have received text to speech request in Wu's first computer and generated Wu's speech commands based on the request in order to allow a user to request only desired information in real time (see Walker [0003]).

Claim 2:

Wu, Ostermann, and Walker disclose the system of claim 1; Walker further discloses a second computer (item 22b, Fig. 2) configured to receive the second portion of computer readable information from a first computer and to generate a second collection of speech generation commands based on the second portion of computer readable information (Fig. 2, item 22 and related text), the first computer is further configured to receive the second collection of speech generation commands from the second computer and to generate a third collection of speech generation commands based on the first and second collection of speech generating commands (Fig. 2, item 24 and related text, [0030]); wherein the first computer generates signals based on the third collection of speech generation commands ("Streaming buffer 24 transmits the

speech segments in the proper order along with the telephony user address to voice application", [0031]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to perform, in Wu's system, the text-to-speech process using a plurality of engines because the resulting system "efficiently processes text documents of any size" (Walker, [0018]) by dividing the text into easily manageable portions.

Claim 6:

Wu, Ostermann, and Walker disclose the system of claim 1, Wu further discloses wherein the first computer further includes a memory having a voice file stored therein, the voice file having a plurality of speech samples from a predetermined person, the first collection of speech generation commands being associated with a predetermined set of the plurality of speech samples (Fig. 2, element 202 and related text).

Claim 7:

Wu discloses a method for generating a collection of speech generation commands (Abstract), comprising:

generating a first collection of speech generation commands (coded speech parameters) based on a first portion of computer readable information (text message) in a first computer (Fig. 1, step 108 and related text);

wherein the first computer includes a memory having a voice file stored therein, the voice file having a plurality of speech generation commands associated with speech samples of a person (Fig. 2, element 202 and related text), wherein the generation of the first collection of speech generation commands includes:

generating phonetic units (phonics) associated with the first portion of computer readable information (text message) (Fig. 1, item 106 and related text);

comparing a phonetic unit to phonetic units stored in the voice file (code table, Fig. 2, element 202 and related text) to determine a matched phonetic unit; and selecting a speech generation command in the voice file associated with the matched phonetic unit (Fig. 1, step 108 and related text).

Wu does not explicitly disclose that the phonetic units associated with the text message and the phonetic units stored in the code table are composed of phonemes and multi-phonemes.

However, in the Background of The Invention, Wu discloses that phonemes (phones) and multi-phonemes (diphones) are used as phonetic units ([0004]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to represent Wu's phonetic units using phonemes and multi-phonemes because they are well known standards in text-to-speech systems.

Wu further discloses either the phone receiving the first collection of speech generation commands and accessing a predetermined set of the speech samples in the voice file based on the first collection of speech generation commands to generate auditory speech ("the native coded speech parameters, corresponding to each of the phonics from the previous step and along with suitable spaces, are subsequently processed in a signal processor 208 (such as a DSP for example) to provide a decompressed speech signal to an audio circuit 210 of the cellular phone handset", [0018]) or the phone receiving signals corresponding to auditory speech and generating

auditory speech from the received signals ("Alternatively, a network server of the communication system can converts this formatted text string to speech and transmit this speech to a conventional cellular handset over a voice channel instead of a data channel", [0011]). In other words, Wu discloses, either receiving textual information in the form of coded speech parameters and performing a text-to-speech process at the phone or, performing the text-to-speech (TTS) process at a server and transmitting speech to the phone.

However, Wu does not explicitly disclose determining whether the phone includes a voice file (i.e. is able to perform text-to-speech which require voice files for concatenation based TTS) and conducting the text-to-speech, either at the phone if a voice file is present at the phone or, at the server if a voice file is not present on the phone.

In a similar network based text-to-speech system, Ostermann discloses checking if a phone (col. 6, lines 5-11) has speech synthesis software (which require voice files for concatenation based TTS) and performing the TTS at the phone if the phone has TTS capabilities or performing the TTS at a server and transmitting synthesized speech to the device from the server if the device does not have speech synthesis software (col. 11, lines 15-26).

It would have been obvious to one with ordinary skill in the art at the time of the invention to check Wu's phone for TTS capabilities (voice files in concatenation based TTS) and performing TTS on the phone, if the phone has voice files, or performing the TTS on a server and transmitting synthesized speech, if the phone does not have TTS

capabilities, because a phone cannot perform TTS if it does not have TTS capabilities (voice files in concatenation based TTS).

Further, Wu and Ostermann do not explicitly disclose where the first computer receives a text to speech request signal from a phone through an email computer server via a communications network and generating speech command based on the request.

In a similar network based text-to-speech system, Walker discloses a computer receiving a text to speech request (Fig. 1, item 22a and related text) through an email computer server (Fig. 1, item 16, and related text. Note that this server receives and send electronic text messages, i.e. it's an email computer server) and generating speech from text in response to the request ("speech" output from item 20, Fig. 1 and related text).

It would have been obvious to one with ordinary skill in the art at the time of the invention to have received text to speech request in Wu's first computer and generated Wu's speech commands based on the request in order to allow the user to request only desired information in real time (see Walker [0003]).

Claim 9:

Wu, Ostermann, and Walker disclose the method of claim 7, Wu further discloses wherein the comparing of a phoneme or multi-phoneme to phonemes and multi-phonemes stored in the voice file to determine a matched phoneme or multi-phoneme includes:

comparing a multi-phoneme to multi-phonemes stored in the voice file; and, comparing a phoneme to phonemes stored in the voice file ("mapping each of the

phonics from the audio server, by a mapping unit 206, against the code table 202 to find the coded speech parameters corresponding to each of the phonics", [0015]).

Claim 14:

Wu, Ostermann, and Walker disclose the method of claim 13, Wu further discloses wherein the phone includes a memory having a voice file (audio file) stored therein, the method further comprising accessing portions of the voice file based on the first collections of speech generation commands to generate auditory speech ("the native coded speech parameters, corresponding to each of the phonics from the previous step and along with suitable spaces, are subsequently processed in a signal processor 208 (such as a DSP for example) to provide a decompressed speech signal to an audio circuit 210 of the cellular phone handset", [0018]).

Claim 15:

Wu, Ostermann, and Walker do not explicitly disclose a computer readable medium encoding software for performing the steps of method claim 7. It is old and well-known to encode program code for performing a method on a computer readable medium and implement instructions corresponding to the program code on a computer's processor. Claim 15 is directed to a storage medium encoded with machine-readable computer program code for performing the method of claim 7.

Implementing a method as software on a computer readable medium would be an obvious modification to one of ordinary skill in the art of speech synthesis, at the time of applicant's invention, so as to facilitate loading the software onto a computer to perform the steps listed above.

Accordingly, claim 15 is rejected with the same rationale as applied above with respect to method claim 7.

(10) Response to Argument

Regarding claim 1:

Appellants argue that Walker's voice application 16 is not an email server. The Examiner respectfully disagrees. Microsoft Computer Dictionary (Fifty Edition, 2002) defines a server as:

On the internet or other network, a computer or program that responds to commands from a client.

Walker discloses voice application 16 as an application, in a network, that receives a command (request) from a client (Telephony user 12) and which responds to the command by accessing textual data and forwarding synthesized speech of the textual data ([0023]). Therefore, voice application 16 is a server. Further, Walker discloses that the textual data may be email ([0022]). Therefore, voice application 16 is a server which accesses email and forwards the email in speech form, i.e. it is an email server.

Regarding all other claims:

Appellants' arguments are similar to the one above regarding claim 1.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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